(29)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 1789 OF 2003

Petitioner	:	Karmuram Bhagat, S/o. Shri Budhram Bhagat, aged about 38 years, Assistant Teacher at Primary School, Belsunga, Block Kunkuri, District-Jashpur (C.G.).
	Versus	
Respondents	: 1.	State of Chhattisgarh, Through Secretary, Primary Education, Tribal Welfare Department, D.K.S. Bhawan, District-Raipur (C.G.).
	2.	Shri Hermon Ekka, Assistant Teacher, Primary School, Asta, Block Bagicha, District Jashpur (C.S.).

Shri J.K. Shashtri, counsel for the petitioner.
Shri Pankaj Shrivastava, Panel lawyer for the respondent No. 1/State.
None for the respondent No. 2

ORAL ORDER

(6th February, 2006)

1. The petitioner, who was working as Assistant Teacher at Primary School Belsunga, Block Kunkuri, Distrct-Jashpur was transferred vide order dated 19.5.2003 (Annexure P-2) to Primary School, Asta, Block Bagicha, District-Jashpur.

2. The petitioner has filed this petition challenging the impugned transfer order on the ground that transfer has been made without his consent on his own expenses. If the petitioner was transferred due to administrative exigency, the petitioner was entitled to expenses for complying with the impugned transfer order. In the present case, the transfer was made

without consent of the petitioner and on the other hand as such he was deprived of transfer expenses.

3. This Court, vide order dated 24.6.2003, granted stay of operation of the impugned transfer order dated 19.5.2003 (Annexure P-2). The petitioner has continued on the same post by virtue of the interim order dated 24.6.2003 till date. At this stage, there is no point in examining the validity of the impugned transfer order, as the petitioner has already got the final relief by way of interim order itself.

5. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted in the interest of administration and public. This Court has limited jurisdiction in transfer matters and this Court can interfere only in the case of proved malafide, non-competence of the authorities passing the transfer order, and order not being in conformity with the rules and regulations. In the facts of this case, it is expected that the respondents/authorities will not insist upon compliance of the impugned transfer order dated 19.5.2003.

6. In view of the above, the petition is dismissed. However, the respondents/authorities are at liberty to pass appropriate order as to the posting of the petitioner in the public interest and administrative exigency. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu